

CHAPTER 272

NOTICE OF APPOINTMENT OF EXECUTORS AND ADMINISTRATORS

H. F. 114

AN ACT to amend section eleven thousand eight hundred ninety (11890), code, 1939, relating to the notice of the appointment of executors and administrators.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section eleven thousand eight hundred ninety (11890),
- 2 Code, 1939, is amended by striking all of said section following the
- 3 word "be" in line seven (7), and substituting in lieu thereof the fol-
- 4 lowing, "entered in the probate record."

Approved March 11th, 1943.

CHAPTER 273

PAYMENT OF REAL ESTATE MORTGAGE CLAIMS NOT DUE FILED
IN ESTATES

S. F. 117

AN ACT to amend section eleven thousand nine hundred and sixty-four (11964), code, 1939, relating to demands not yet due in an estate and providing a time and method of payment thereof, provided the demand is secured by a mortgage on real estate.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section eleven thousand nine hundred and sixty-four
- 2 (11964), Code, 1939, is amended by adding the following thereto:
- 3 "Notwithstanding the provisions of section eleven thousand nine
- 4 hundred seventy-five (11975), Code, 1939, if a claim is filed on a de-
- 5 mand not yet due, which demand is secured by a mortgage on real
- 6 estate, it may be paid by the estate at the same time it could have
- 7 been paid if it had been due when filed."

Approved April 5, 1943.

CHAPTER 274

UNIFORM SIMULTANEOUS DEATH ACT

H. F. 275

AN ACT providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. No sufficient evidence of survivorship. Where the
- 2 title to property or the devolution thereof depends upon priority of
- 3 death and there is no sufficient evidence that the persons have died
- 4 otherwise than simultaneously, the property of each person shall be

5 disposed of as if he had survived, except as provided otherwise in this
6 act.

1 **SEC. 2. Beneficiaries of another person's disposition of property.**
2 Where two or more beneficiaries are designated to take successively,
3 by reason of survivorship, under another person's disposition of
4 property, and there is no sufficient evidence that these beneficiaries
5 have died otherwise than simultaneously, the property thus disposed of
6 shall be divided into as many equal portions as there are successive
7 beneficiaries and these portions shall be distributed respectively to
8 those who would have taken in the event that each designated bene-
9 ficiary had survived.

1 **SEC. 3. Joint tenants or tenants by the entirety.** Where there is
2 no sufficient evidence that two joint tenants or tenants by the entirety
3 have died otherwise than simultaneously the property so held shall be
4 distributed one-half as if one had survived and one-half as if the
5 other had survived. If there are more than two joint tenants and all
6 of them have so died the property thus distributed shall be in the
7 proportion that one bears to the whole number of joint tenants.

1 **SEC. 4. Insurance policies.** Where the insured and the beneficiary
2 in a policy of life or accident insurance have died and there is no
3 sufficient evidence that they have died otherwise than simultaneously
4 the proceeds of the policy shall be distributed as if the insured had
5 survived the beneficiary.

1 **SEC. 5. Act not retroactive.** This act shall not apply to the dis-
2 tribution of the property of a person who has died before it takes
3 effect.

1 **SEC. 6. Act does not apply if decedent provides otherwise.** This
2 act shall not apply in the case of wills, living trusts, deeds, or con-
3 tracts of insurance wherein provision has been made for distribution
4 of property different from the provisions of this act.

1 **SEC. 7. Uniformity of interpretation.** This act shall be so con-
2 strued and interpreted as to effectuate its general purpose to make
3 uniform the law in those states which enact it.

1 **SEC. 8. Short title.** This act may be cited as the Uniform Simul-
2 taneous Death Act.

1 **SEC. 9. Repeal.** All laws or parts of laws inconsistent with the
2 provisions of this act are hereby repealed.

1 **SEC. 10. Severability.** If any of the provisions of this act or the
2 application thereof to any persons or circumstances is held invalid
3 such invalidity shall not affect other provisions or applications of the
4 act which can be given effect without the invalid provisions or appli-
5 cation, and to this end the provisions of this act are declared to be
6 severable.

Approved April 10th, 1943.